

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM O. LANTANASIO,

Petitioner,

v.

JEFFREY A. BEARD,

Respondent.

Civil Action No. 05-162 Erie

MEMORANDUM ORDER

On May 24, 2005, Petitioner commenced this case by filing a motion to proceed *in forma pauperis* [Doc. No. 1] which was unaccompanied by a certified copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2). The matter was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 3, 2005, recommended that the case be dismissed without prejudice since Petitioner had failed to submit the requisite certified copy of his inmate account statement. The parties were allowed ten (10) days from the date of service to file objections. On June 17, 2005, Petitioner filed an objection to Magistrate Judge Baxter's Report and Recommendation requesting a ten (10) day extension in which to file another *in forma pauperis* request accompanied by a certified account statement. However, as of August 1, Petitioner had failed to file the required account statement in support of his pending *in forma pauperis* request. Accordingly, on August 2, 2005, Magistrate Judge Baxter entered an order directing Petitioner to show cause, on or before August 16, 2005, for his failure to file a certified copy of his inmate account statement for the six month period immediately preceding the filing of his motion to proceed *in forma pauperis*. This August 2, 2005 order instructed Petitioner that, if he failed to file a certified account statement with this

Court on or before August 16, 2005, the case would be dismissed for failure to prosecute in accordance with the Magistrate Judge's June 3, 2005 Report and Recommendation. To date, Petitioner has failed to file the required account statement.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of August 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED without prejudice.

The Report and Recommendation of Magistrate Judge Baxter, filed on June 3, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge